

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 24, 2023**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

RAY E.,<sup>1</sup>

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-cv-03057-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 8, 14**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 8, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney David Burdett represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to: (add/remove/edit  
8 the below to match the instructions stipulated to by the parties)

- 9 • Offer Plaintiff the opportunity for a new hearing and further develop  
10 the record;
- 11 • Reevaluate the medical evidence, including all opinions and  
12 impairments asserted by Dr. Lindgren; and
- 13 • Issue a new decision.

14 *See* ECF No. 14 at 1-2.

15 3. Judgment shall be entered for **PLAINTIFF**.

16 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is **STRICKEN**  
17 **AS MOOT**.

18 5. Upon proper presentation, this Court will consider Plaintiff's application  
19 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**  
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED October 24, 2023.

4 s/Mary K. Dimke  
5 MARY K. DIMKE  
6 UNITED STATES DISTRICT JUDGE  
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